



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20350

SECNAVINST 11100.7A  
NMPC-67/OP-44.

12 JUN 1990

SECNAV INSTRUCTION 11100.7A

From: Secretary of the Navy

Subj: OCCUPANTS' RESPONSIBILITY AND LIABILITY FOR NAVY AND  
MARINE CORPS FAMILY AND BACHELOR HOUSING

Ref: (a) Title 10 USC 2775  
(b) DOD 4165.63-M of 17 Jun 88 (NOTAL)  
(c) DOD Military Pay and Allowances Entitlements Manual of  
9 Mar 87 (NOTAL)

1. Purpose. To implement the relevant portions of references (a), (b) and (c), and provide Department of the Navy policy guidance concerning occupants' responsibility for the care and maintenance of family housing and occupants' liability for damage to family and bachelor housing, equipment, or furnishings. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 11100.7.

3. Definitions. For the purposes of this instruction, the following definitions will be used:

a. Abuse. Deliberate unauthorized use of government property or willful misconduct.

b. Negligence. The failure to act as a reasonably prudent person would have acted under similar circumstances.

c. Gross negligence. An extreme departure from the course of action to be expected of a reasonably prudent person, all circumstances being considered, and accompanied by a reckless, deliberate, or wanton disregard for the foreseeable consequences of the act. Abandonment of quarters by the occupants is gross negligence.

d. Willful misconduct. Intentional damage, destruction or loss of government property.

4. Background

a. Prudent housing management requires responsible care and maintenance of the housing unit assigned to the member.

b. References (a) and (b) authorize deductions to be taken from a military member's pay to cover the cost of repairs or



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replacement due to the loss of or damage to family and bachelor housing, furnishings, or equipment caused by abuse or negligence, and the cost of cleaning when a family housing occupant fails to satisfactorily clean the unit upon termination of assignment. Reference (c) outlines collection procedures.

5. Policy

a. Occupants will be provided clean, habitable quarters, and are required, upon termination of the assignment, to return the quarters and the assigned grounds in the same condition, with allowances made for ordinary wear and tear.

b. Family housing occupants will be responsible for such housekeeping and maintenance of assigned housing units and furnishings, to include maintenance of designated grounds, as would be expected of tenants in private housing of similar type and value.

c. Bachelor quarters residents shall be responsible for routine housekeeping and reporting items for repair or replacement to the appropriate bachelor quarters management personnel.

d. Occupants will be informed of their responsibilities and potential liabilities when assigned government quarters. The military occupant will be liable for loss of or damage to the assigned government family or bachelor housing unit, equipment, or furnishings caused by abuse or negligence of the occupant, the occupant's dependents, or the invited guests of the occupant or occupant's dependents. Military family housing occupants shall be liable for failure to satisfactorily clean quarters to established standards upon termination of the assignment.

e. Determinations of liability are made per reference (b). The maximum amount collected from an occupant will be limited to an amount equivalent to one month's base pay, except where the damage or loss has been determined by the commander having management control of the housing unit to be the result of gross negligence or willful misconduct by the occupant, the occupant's dependents, or a guest of either the occupant or the occupant's dependents. In the case of furnishings and equipment, the replacement cost will be based on a depreciated value determined by the local Naval Legal Service Command office.

f. Military occupants held accountable for any loss or damage will be given due process protections per reference (b). Appeals may be made to the immediate superior in the chain of

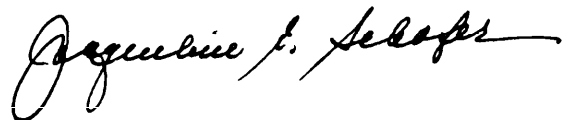
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command of the commanding officer of the installation where the damage occurs. Appeals will be reviewed by a judge advocate.

g. The Department of the Navy retains the right to seek full recovery of the amount for which the occupant is determined to be liable from available insurance held by the occupant.

6. Authority. The Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) are hereby delegated the authority to compromise or waive a claim under subsection (a) (1) of 10 USC 2775, if, based upon the unique circumstances of the individual case, it is determined that the compromise or waiver of the claim is in the best interests of the United States. In each case, the degree of the occupant's culpability and the likelihood that collection in full will result in an undue financial hardship to the occupant are considerations in making such a determination. While this authority may be redelegated in writing, it may not be delegated to an installation commander responsible for the administration of the damaged quarters, nor to any subordinate of that commander.

7. Action. CNO and CMC will issue appropriate implementing instructions.



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